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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,574	09/16/2003	Gabriel G. Marcu	2095.000900/P3112	5291
23720	7590	10/03/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			RATCLIFFE, LUKE D	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,574	Applicant(s) MARCU, GABRIEL G.	
	Examiner Luke D. Ratcliffe	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 9, 14-17, 24, 25 and 31-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 18-23, 26-30 and 35-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Election/Restrictions

Applicant's election of the species referring to figure 3 in the reply filed on 9/16/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim **9, 14-17, 24, 25, and 31-34** withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/16/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-5 and 26** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cummings (6154522).

Referring to claims **1 and 26**, Cummings shows an apparatus and a method of sending an optical signal from a first apparatus to a second apparatus (column 2 lines 64- column 4 lines 18), a means for receiving a reflection of the optical signal from the second apparatus (column 2 lines 64- column 4 lines 18), and a means for adjusting a

Art Unit: 3662

position of on apparatus relative to the other apparatus based upon reflection (column 2 lines 64- column 4 lines 18).

Referring to **claim 2**, Cummings shows an optical source on the first apparatus (figure 1b).

Referring to **claim 3**, Cummings shows a method of directing the light a predetermined incident angle (column 4 lines 40-64).

Referring to **claim 4**, Cummings shows a second apparatus with a reflective material affixed upon it (column 4 lines 40-64).

Referring to **claim 5**, Cumming shows a method for adjusting said incident angle (column 2 lines 64 to column 4 lines 18).

Claims **10-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (4690556).

Referring to **claim 10**, Walker shows a system for position a first apparatus in relation to a second apparatus with an optical source (figure 1 Ref 10), and a light-receiving unit (figure 1 Ref 14).

Referring to **claim 11**, Walker shows a light receiving unit that comprises a screen (figure 1 Ref 14).

Referring to **claim 12**, Walker shows a screen with a plurality of markings to provide a location on said screen upon which the reflective light is received (figures 1 and 2).

Referring to **claim 13**, Walker shows a means for providing a signal that is indicative of said location on said screen upon which the reflected light is received (figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (6154522) in view of Walker (4690556).

Referring to **claim 6**, Walker shows a means for receiving said reflection upon a screen (figure 1). It would have been obvious to modify Cummings to include the screen taught by walker because including such a screen would allow for reflected light to give a basis on how to maneuver the two apparatus to align them correctly.

Referring to **claim 7**, it would be obvious that the screen would receive a reflected signal based upon a reflected angle because if it were not based upon a reflected angle no signal would be possible.

Referring to **claim 8**, Cummings as modified shows a method wherein adjusting said position of one of said apparatuses relative to the other apparatus based up on said reflection comprises adjusting the incident angle to change how said reflective light is received (column 2 lines 64- column 4 lines 18). Walker shows a means for receiving

Art Unit: 3662

the reflected light on a screen (figure 1). It would have been obvious to modify Cummings to include the screen taught by Walker because including such a screen would allow for reflected light to give a basis on how to maneuver the two apparatus to align them correctly.

Claims **22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (4690556) in view of Cummings (6154522).

Referring to **claims 22 and 23**, Cummings shows a mirror affixed upon said second apparatus for providing said reflective light (column 3 lines 1-16). It would have been obvious to modify Walker to use the mirror to reflect the light as taught by Cummings because this is a common means to reflect light.

Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (4690556) in view of Hölzl (5026998).

Hölzl shows a first apparatus being a testing device (figure 1). It would have been obvious to modify Walker to include the first apparatus being a testing device because this would allow for automated testing that would decrease human error.

Claim **19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (4690556) in view of Hölzl (5026998) as applied to claim 18 above, and further in view of Stabile (5872623).

Stabile shows a photometer and a radiometer (figure 1B Ref 205). It would have been obvious to further modify Walker to include the photometer and radiometer because radiant energy in the form of light needs to be measured to determine if the correct correlation between the first and second apparatuses is achieved.

Claims **20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (4690556) in view of Dänkliker (4225241).

Referring to **claims 20 and 21**, Dänkliker shows a second apparatus as a LCD screen that is well known that can be a computer screen (column 1 lines 34-44). It would have been obvious to modify Walker to use a computer screen that is an LCD screen for the second apparatus because this device will measure the visual effects of changing the angle of incidence.

Claims **27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (6154522) in view of Spink (5953114).

Referring to **claim 27**, Cummings shows a method wherein adjusting said position of one of said apparatuses relative to the other apparatus based up on said reflection comprises adjusting the incident angle to change how said reflective light is received (column 2 lines 64- column 4 lines 18). Spink shows an optical source comprising a screen (figure 1). It would have been obvious to modify Cummings to include the optical source that comprises a screen because this would allow the reflected light to be captured in an easily visible medium.

Referring to **claim 28**, it would be obvious that on the screen there would be a plurality of markings where the light is received, otherwise there would be no light.

Referring to **claim 29**, it would be obvious that the light would make a signal that is indicative of the location on the screen upon which the reflected light is received.

Referring to **claim 30**, Cummings shows a reflective material affixed upon said second device (column 3 lines 1-16).

Art Unit: 3662

Claims **35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (6154522) in view of Spink (5953114) as applied to claim 27 above, and further in view of Hölzl (5026998) and Stabile (5872623).

Referring to **claim 35**, Hölzl shows a first apparatus that is a testing device (column 5 and 6). It would have been obvious to further modify Cummings to include the first apparatus being a testing device because this would allow for automated testing that would decrease human error.

Referring to **claim 36**, Stabile shows a photometer and a radiometer (figure 1B Ref 205). It would have been obvious to further modify Cummings to include the photometer and radiometer because radiant energy in the form of light needs to be measured to determine if the correct correlation between the first and second apparatuses is achieved.

Claims **37-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (6154522) in view of Spink (5953114) as applied to claim 27 above, and further in view of Dänkliker (4225241).

Referring to **claims 37-39**, Dänkliker shows a second apparatus as a LCD screen that is well known that can be a computer display device or a television display device (column 1 lines 34-44). It would have been obvious to modify Walker to use a computer screen that is an LCD screen for the second apparatus because this device will measure the visual effects of changing the angle of incidence.

Art Unit: 3662

Claims **40**, **44**, and **45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (6154522) in view of Hölzl (5026998) and Dänkliker (4225241).

Referring to **claim 40**, Cummings shows a method wherein adjusting said position of one of said apparatuses relative to the other apparatus based up on said reflection comprises adjusting the incident angle to change how said reflective light is received (column 2 lines 64 - column 4 lines 18). Hölzl shows a first apparatus that is a testing device. It would have been obvious to modify Cummings to include the first apparatus being a testing device because this would allow for automated testing that would decrease human error. Dänkliker shows a second apparatus as a LCD screen that is well known that can be a computer display device or a television display device (column 1 lines 34-44). It would have been obvious to modify Walker to use a computer screen that is an LCD screen for the second apparatus because this device will measure the visual effects of changing the angle of incidence.

Referring to **claim 44**, Dänkliker shows a second apparatus as a LCD screen that is well known that can be a computer display device or a television display device (column 1 lines 34-44). It would have been obvious to further modify Cummings to use a computer screen that is an LCD screen for the second apparatus because this device will measure the visual effects of changing the angle of incidence.

Referring to **claim 45**, Cummings shows a reflective material affixed upon said computer display (column 3 lines 1-16).

Art Unit: 3662

Claims **41 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (6154522) in view of Hölzl (5026998) and Dänkliker (4225241) as applied to claim 40 above, and further in view of Walker (5690556).

Referring to **claim 41**, Walker shows a screen to received reflected light (figure 1). It would have been obvious to modify Cummings to include the screen taught by walker because including such a screen would allow for reflected light to give a basis on how to maneuver the two apparatus to align them correctly.

Referring to **claim 42**, it would be obvious that on the screen there would be a plurality of markings where the light is received, otherwise there would be no light.

Claim **43** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings (6154522) in view of Hölzl (5026998) and Dänkliker (4225241) as applied to claim 40 above, and further in view of Stabile (5872623).

Stabile shows a photometer and a radiometer (figure 1B Ref 205). It would have been obvious to further modify Cummings to include the photometer and radiometer because radiant energy in the form of light needs to be measured to determine if the correct correlation between the first and second apparatuses is achieved.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR

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